

**EAGLE SUPPLY AND** )  
**MANUFACTURING, L.P.,** )  
) )  
**Plaintiff,** )  
) )  
**v.** ) **Case No. 3:10-CV-407**  
) )  
**BECHTEL JACOBS COMPANY, )**  
**LLC,** )  
) )  
**Defendant.** )  
\_\_\_\_\_ )

Defendant Bechtel Jacobs Company, LLC (“BJC”) moves this Court to dismiss Plaintiff Eagle Supply and Manufacturing, L.P.’s (“Eagle”)’s Complaint as to its sixth claim for violation of Tennessee’s Prompt Pay Act pursuant to Federal Rules of Civil Procedure 8(a) and 12(b)(6) for failing to state a claim upon which relief can be granted. Eagle’s claim lacks both factual and legal support. In support of this Motion, BJC relies upon all pleadings in this action and its supporting Brief filed contemporaneously with this Motion.

Case 3:10-cv-00407-TAV-CCS Document 90 Filed 01/06/14 Page 1 of 3 PageID #: 584

Dated: January 6, 2014.

Respectfully submitted,

/s/Lochlin B. Samples  
Karl F. Dix, Jr. (admitted *pro hac vice*)  
Lochlin B. Samples (BPR 30555)

SMITH, CURRIE & HANCOCK LLP  
2700 Marquis One Tower  
245 Peachtree Center Avenue, NE  
Atlanta, Georgia 30303-1227  
P: (404) 521-3800  
F: (404) 688-0671  
E: [kfdix@smithcurrie.com](mailto:kfdix@smithcurrie.com)  
[lbsamples@smithcurrie.com](mailto:lbsamples@smithcurrie.com)

*Attorneys for Defendant*  
*Bechtel Jacobs Company, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of January, 2014, a true a correct copy of this **Bechtel Jacobs Company, LLC's Motion to Dismiss Plaintiff's Count VI** was filed and served via the Court's CM/ECF Electronic Filing System upon all known counsel of record and parties as indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system

By: /s/ Lochlin B. Samples  
Lochlin B. Samples  
Tennessee BPR # 30555  
Smith, Currie & Hancock, LLP  
[lbsamples@smithcurrie.com](mailto:lbsamples@smithcurrie.com)  
2700 Marquis One Tower  
245 Peachtree Center Avenue, NE  
Atlanta, GA 30303-1227  
Telephone: (404) 582-8116  
Facsimile: (404) 688-0671

ATTORNEYS FOR DEFENDANT BECHTEL  
JACOBS COMPANY, LLC